Drug & Magnesia Co., Boston, Mass., alleging shipment on or about January 20, February 20, and April 4, 1940, from the State of Massachusetts into the States of Rhode Island and New Hampshire of quantities of the above-named products which were adulterated and misbranded. The articles were labeled in part: "Genuine * * * Russian Oil Type U. S. P. Mineral Oil * * * General Drug & Oil Co., Inc."; and "Peerless Effervescing Solution of Citrate of Magnesia U. S. P. * * * Distributed by General Drug & Oil Co., Boston, Mass."

The Russian oil was alleged to be adulterated in that it purported to be or was represented as a drug which is recognized in the United States Pharmacopoeia, under the names "Liquid Petrolatum" and "White Mineral Oil", but its strength differed from and its quality fell below the standard set forth in such compendium, since the specific gravity of samples taken from the two shipments was 0.8471 and 0.8479, respectively, at 25° C., and the kinematic viscosity of said samples was 0.173 and 0.1745 at 37.8° C., whereas the pharmacopoeia specifies that the specific gravity of liquid petrolatum or white mineral oil shall be not less than 0.860 at 25° C., and that its kinematic viscosity shall be not less than 0.381 at 37.8° C., and the respect in which the strength or quality of the article differed from the standard set forth in said compendium was not plainly stated on the label. It was alleged to be misbranded (1) in that the statements "Genuine Russian Oil," "U. S. P. Mineral Oil," and "Pure Russian Oil," together with the design showing a facsimile of the former Russian emblem, borne on the bottle label, were false and misleading, since they represented that it consisted of Russian oil, namely, liquid petrolatum or white mineral oil; whereas it did not so consist, but did consist of light liquid petrolatum (or light white mineral oil); and (2) in that it was light liquid petrolatum or light white mineral oil and was offered for sale and sold under the name of another drug.

The citrate of magnesia was alleged to be adulterated in that it purported to be or was represented as a drug which is recognized in the United States Pharmacopoeia under the names "Liquor Magnesia Citratis" and "Solution of Citrate of Magnesia," but its strength differed from and its quality fell below the standard set forth in that compendium, since it contained in each 100 cubic centimeters an amount of magnesium citrate corresponding to not more than 1.53 grams of magnesium oxide and 10 cc. of the article contained citric acid equivalent to not more than 24.18 cc. of half-normal hydrochloric acid; whereas the pharmacopoeia specifies that solution of citrate of magnesium shall contain in each 100 cc. an amount of magnesium citrate corresponding to not less than 1.6 grams of magnesium oxide, and that 10 cc. of the solution shall contain citric acid equivalent to 26 cc. of half-normal hydrochloric acid, and the difference in strength and quality from such standard was not plainly stated on the label. It was alleged to be misbranded in that the statements "Solution of Citrate of Magnesia U. S. P." and "Liquor Magnesia Citratis," borne on the bottle label, were false and misleading, since they represented that it consisted of solution of magnesium citrate or liquor magnesii citratis as defined by the United States Pharmacopoeia, whereas it did not so consist.

On April 7, 1942, the defendant entered a plea of guilty and the court imposed a fine of $30.

622. Adulteration and misbranding of carbon dioxide and oxygen mixture and compressed oxygen gas. U. S. v. Wall Chemicals Corporation. Plea of guilty. Fine, $120. (F. D. C. No. 5519. Sample Nos. 27568–E, 27965–E, 39616–E.)

The strength of these products differed from and their purity and quality fell below that which they were labeled as possessing.

On December 4, 1941, the United States attorney for the Northern District of Illinois filed an information against the Wall Chemicals Corporation, Chicago, Ill., alleging shipment on or about April 10, September 7, and October 22, 1940, from the State of Illinois into the States of Indiana and Missouri of quantities of carbon dioxide and oxygen mixture and of a quantity of compressed oxygen gas.

The carbon dioxide and oxygen mixture was alleged to be adulterated in that its strength differed from and its quality fell below that which it was represented to possess in that the drug in one shipment was represented to contain 10 percent of carbon dioxide and that in the other shipment was represented to contain 5 percent of carbon dioxide; whereas the former contained not more than 7 percent and the latter not more than 2.6 percent of carbon dioxide.

The compressed oxygen gas was alleged to be adulterated in that its strength differed from and its purity and quality fell below that which it was represented to possess in that it was represented to contain 7 percent of carbon dioxide; whereas it contained not more than 3.4 percent of carbon dioxide.

The carbon dioxide and oxygen mixture was alleged to be misbranded in that the statements "10% Carbon Dioxide" and "5% Carbon Dioxide", borne on the respective labels, were false and misleading since the article contained less carbon dioxide than so represented.

The compressed oxygen gas was alleged to be misbranded in that the statement "CO_2—7%," borne on the cylinder, was false and misleading since it contained less than 7 percent, namely, not more than 3.4 percent of carbon dioxide. It was alleged to be misbranded further in that the statement "Oxygen Gas," borne on the tags attached to the cylinder, was false and misleading since it represented and suggested that the article consisted wholly of oxygen gas, whereas it did not consist wholly of oxygen gas but did consist of a mixture of oxygen and carbon dioxide gases. It was alleged to be misbranded further in that it was in package form, and its label failed to bear an accurate statement of the quantity of the contents in terms of weight or measure.

On December 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $120 and costs.

623. Adulteration and misbranding of Vaxamine. U. S. v. 73 Vials of Vaxamine. Default decree of condemnation and destruction. (F. D. C. No. 5637. Sample No. 23105–E.)

This article was contaminated with aerobic sporeforming and nonsporeforming micro-organisms and molds.

On September 8, 1941, the United States attorney for the Northern District of California filed a libel against 73 vials of Vaxamine at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 6, 1941, by the Intra Products Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "20 cc. Intramuscular Intravenous Intradermal Solution Vaxamine Single Strength For Non-Specific Therapy."

The article was alleged to be adulterated in that its purity or quality fell below that which it purported or was represented to possess, since it contained living micro-organisms and therefore was not of a sufficiently high standard of purity or quality to be suitable for intramuscular, intravenous, and intradermal administration. It was alleged to be misbranded in that the statement "Intramuscular Intravenous Intradermal Solution" was false and misleading as applied to an article contaminated with living micro-organisms.

On October 3, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

624. Adulteration and misbranding of Mackenzol. U. S. v. 25 Bottles of Mackenzol. Default decree of condemnation and destruction. (F. D. C. No. 4976. Sample No. 11177–E.)

This product was not an antiseptic and germicide as represented. Its labeling bore false and misleading curative and therapeutic claims, and the bottle label did not bear a declaration of the quantity of the contents.

On June 24, 1941, the United States attorney for the Western District of Texas filed a libel against 25 bottles of Mackenzol at San Antonio, Tex., which had been consigned by R. and F. Schweickhardt, alleging that the article had been shipped on or about January 16, 1941, from St. Louis, Mo.; and charging that it was adulterated and misbranded.

Analysis showed that the article was a viscous liquid containing chiefly mineral oil and small amounts of volatile oils, including eucalyptol, thymol, methyl salicylate, and guaiacol compound and benzoic acid compound. Bacteriological examination showed that it was not an antiseptic.

The article was alleged to be adulterated in that its strength differed from that which it purported to possess, namely, "Antiseptic and Germicidal Compound," since it was not an antiseptic.

It was alleged to be misbranded in that representations in the labeling that it was an antiseptic and germicide; that it was guaranteed under the Food and Drugs Act; that it was antagonistic to all pathogenic organisms, and was healing; that it was efficacious in the treatment of chronic laryngitis due to tuberculosis in chronic bronchitis, acute and chronic nasal catarrh, especially where there was great discharge; that it was of much value in the treatment of